

REMARKS

Applicants have carefully considered the April 11, 2007 Office Action, and the comments that follow are presented in an effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1, 3-21 and 23-29 are pending in this application. Claim 29 has been withdrawn from consideration pursuant to the provisions of 37 C.F.R. § 1.142(b). Entry of the present response is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Claims 1-3, 9-11, 15-21 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated over Yates (U.S. Pat. No. 5,715,648, hereinafter "Yates"). Applicants traverse the rejection.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. In imposing a rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference is perceived to identically disclose each feature of a claimed invention. Moreover, there are significant differences between the claimed subject matter and the device disclosed by Yates that would preclude the factual determination that Yates identically describes the claimed subject matter within the meaning of 35 U.S.C. § 102.

At pages 2-3 of the final Office action dated April 11, 2007, the Examiner asserted that Yates discloses a bend along the center portion of the conveyed open envelope and the that the bend includes the flap, front wall and back wall. In particular, the Examiner asserted that pushing fingers 60 and 62 bend the flap and back wall downward and the front wall is bent upwardly. Thus, the Examiner concedes that Yates discloses two separate bends, namely an

upward bend for the front wall and a downward bend for the flap and back wall. Yates, according to the Examiner's characterization of the reference, discloses a first bend including the flap and back wall and a second bend in the opposite direction from the front wall. Nowhere does Yates disclose or remotely suggest a high-speed envelope transport and packing system including a bending member that is configured to impart one bend in the conveyed open envelope by displacing a center portion of the flap, front wall and back wall of the conveyed open envelope, as required in claim 1. The single bend of claim 1 includes the flap, front wall and back wall.

Applicants agree that Yates does not include a bend that includes each of the flap, back wall and front wall as explicitly required in the present claims. However, Applicants would again like to reiterate their previous position that Yates, at col. 2, lines 50-60 and FIGS. 5-6, discloses that once the envelope has reached the position of the envelope 24a, the flapper paddles 68 and 70 are rotated by a pair of solenoids 100 and 102 respectively to the positions seen in FIG. 6 so that the envelope 24a can be puckered, i.e. the envelope front panel 118 (address bearing panel) is separated from the back panel 116 (see FIG. 4). The hold-down fingers 60 and 62 are rotated downward to the positions seen in FIGS. 4 and 6 against the flapper paddles 68 and 70 respectively, thereby forcing the flap 64 and the front panel 118 downward and puckering the envelope 24a and causing it to open. As clearly shown in FIG. 6 of Yates, the back panel 116 is not forced/bent from its original horizontal position -- only the flap 64 and front panel 118 are forced downward. Thus, Yates fails to disclose or suggest that its envelope opening apparatus is adapted to bend an envelope such that the bend (singular) includes the flap, front wall and back wall of the envelope, as required in each of independent claim 1 and 21.

Moreover, claim 1 further specifies that the bend is present along the center portion of the conveyed open envelope and includes its flap, front wall and back wall. See FIGS. 4A-5B of the present application. Yates, however, fails to disclose or suggest that its envelope opening apparatus creates a bend present along the center portion of the conveyed envelope, since the hold down fingers 60, 62 are positioned off-center of the envelope. See FIGS. 1 and 6. The Examiner has failed to explicitly identify which section or figure in Yates discloses a bend in the center portion of the conveyed envelope.

Independent claim 21 describes that the bending member is configured to bend the front wall, back wall and flap of the conveyed envelope. As clearly shown in FIG. 6 of Yates, the back panel 116 is not forced/bent from its original horizontal position -- only the flap 64 and front panel 118 are forced downward.

Thus, Yates fails to identically disclose or suggest every limitation of independent claims 1 and 21. Accordingly, Applicants submit that the Examiner's rejection under 35 U.S.C. § 102(b) is factually and legally erroneous and should be withdrawn.

Dependent claims 4-8, 12-14 and 24-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yates in view of Haas et al. (U.S. Pat. No. 4,780,040, hereinafter "Haas"). Applicants traverse.

Applicants incorporate herein the arguments previously advanced in traversal of the rejection under 35 U.S.C. § 102(b) predicated upon Yates. The secondary reference to Haas does not cure the argued deficiency of Yates. Haas was relied upon by the Examiner for disclosing multiple vacuum ports. Thus, even if the applied references are combined as suggested by the Examiner, the claimed pending subject matter will not result. Accordingly, the rejection is not legally viable and should be withdrawn for at least this reason.

Moreover, the patentability of dependent claim 3 is advocated. The bending member of claim 3 requires a rail disposed along a direction of conveyance of the open envelope in a position substantially corresponding to a center line of the conveyed open envelope with respect to a widthwise direction of the conveyed open envelope. Contrary to the Examiner's assertion, the hold down fingers 60, 62 in Yates are positioned off-center of the envelope, not substantially corresponding to a center line of the conveyed open envelope. See FIGS. 1 and 6.

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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